

Salisbury, North Carolina
October 7, 2003

REGULAR MEETING

PRESENT:	Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; William (Pete) Kennedy; City Manager, David W. Treme; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Myra B. Heard.
ABSENT:	Councilman Robert (Bob) Martin.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by City Manager David Treme.

PLEDGE OF ALLEGIANCE

Mayor Kluttz led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Deletion of Item 13 – Council to consider awarding an easement to Duke Energy in the amount of \$4,000.00 to locate a communication antenna on an existing electrical tower at Grant Creek Waste Water Treatment Plant.

Addition of a Closed Session for the purpose of consulting with an attorney as allowed in North Carolina General Statute 143-318.11(3).

PROCLAMATIONS

Mayor Kluttz proclaimed the following observances:

TOTAL CARE, INC. SILVER ANNIVERSARY	September 22, 2003
ROWAN BLUES AND JAZZ SOCIETY DAY	October 11, 2003
NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH	October, 2003
CRIME PREVENTION MONTH	October, 2003

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of September 16, 2003.

(b) Street Closing - 2200 block of Robin Road

Receive a petition to close the 2200 block of Robin Road and adopt a resolution setting a public hearing for November 4, 2003.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF THE 2200 BLOCK OF ROBIN ROAD.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 59, and is known as Resolution No. 2003-44.)

(c) Final Subdivision Plat S-01-02 - Wal-Mart

Approve revised final subdivision plat - S-01-02 - Wal-Mart, to show as-built conditions and easements.

Thereupon, Mr. Kennedy made a **motion** to approve the Consent Agenda as read. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

ZONING MAP AMENDMENT - Z-12-03 - STEVE MOCK

- Z-12-03 - Steve Mock
1745 Sells Road

The request is to rezone approximately .63 acres of property located 1745 Sells Road from A-1 Agricultural District to R-8 Single Family-8 Residential District.

(a) Mr. Harold Poole, Senior Planner, explained that the .63 acre portion of property in the request is part of a larger nine (9) acre tract. The larger tract is currently zoned R-8 and Mr. Poole indicated that the smaller portion was separated by the old extraterritorial jurisdiction boundary line. Mr. Poole stated that changing the remaining portion of the tract to R-8 will allow for the construction of a house on the property.

The Planning Board feels that the neighborhood can accommodate another house without overcrowding the neighborhood and recommends approval of the request.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-12-03, Steve Mock.

Ms. Cora Mock, 1745 Sells Road, stated that she was Steve Mock's mother and asked Council to approve the rezoning so that Mr. Mock could build a house on the property. She added that, being a senior citizen, having her son close-by would be very helpful.

Since no one else was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to approve the rezoning request from A-1 to R-8 Single-Family. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 0.63 ACRES LOCATED ON THE EAST SIDE OF THE 1700 BLOCK OF SELLS ROAD, IDENTIFIED AS A PORTION OF PARCEL 130 ON FRANKLIN TWP. TAX MAP 321, FROM A-1 AGRICULTURAL DISTRICT TO R-8 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI – Zoning and Planning, at Page No. 63, and is known as Ordinance No. 2003-67.)

ZONING MAP AMENDMENT - Z-14-03 - SALISBURY PLANNING BOARD

- Z-14-03 - Salisbury Planning Board
Country Club Hills, Section 5

The request is to rezone approximately 25 acres of property located in Country Club Hills Section 5 from RD-A Residential Development-A District to R-8 Single Family-8 Residential District.

(a) Mr. Harold Poole, Senior Planner, noted that this request was initiated by the Planning Board. Section 7 of Country Club Hills was previously rezoned to R-8 and rezoning Section 5 will make the zoning consistent for the Country Club neighborhood.

Mr. Poole indicated that the Planning Board unanimously recommended approving the request.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-14-03, Salisbury Planning Board.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to change the zoning in Country Club Hills – Section 5 from RD-A to R-8 Single-Family. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING

APPROXIMATELY 25 ACRES LOCATED ON THE WEST SIDE OF OLD MOCKSVILLE ROAD AND ALONG PORTIONS OF POLO DRIVE AND STERLING COURT, IDENTIFIED AS ALL OR A PORTION OF PARCELS 410, 409, 408, 407, 406, 405, 404, 403, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, AND 436 ON FRANKLIN TWP. TAX MAP 325-D, FROM RD-A RESIDENTIAL DEVELOPMENT "A" DISTRICT TO R-8 SINGLE-FAMILY-8 RESIDENTIAL DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI – Zoning and Planning, at Page Nos. 64-65, and is known as Ordinance No. 2003-68.)

REPORT FROM DOWNTOWN SALISBURY, INC. - CHARETTE FOR THE SQUARE

Mr. Ed Norvell, Chairman of the Master Plan Committee for Downtown Salisbury, Inc. and Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. addressed Council concerning a design charette for the Downtown Square. Mr. Norvell stated that one item identified through their master plan was to make the Downtown Square a focal point, as it was in the past. Mr. Norvell explained that in the past the Square was the location of two different courthouses, as well as a fountain and served as a gathering place for the community. He added that today the Square is merely an intersection with approximately 29,000 cars passing through it each day.

Downtown Salisbury, Inc. sponsored a design charette and the goals of the Square Charette were:

- Re-establish the Square as a community focal point
- Interpret the rich history of the area
- Obtain community input
- Evaluate left turns/roundabout
- Improve pedestrian access
- Provide traffic calming
- Evaluate Summer 2004 resurfacing deadline
- Present multiple options to Council

Mr. Randy Hemann noted that the charette design team was comprised of people dealing in two disciplines: art/architects and traffic/engineering. The team members were:

- Irene Dumas Tyson, AIA, SC Design Arts Partnership
- Jeffrey York, NC Arts Council
- Margaret Kubilins, Kubilins Transportation
- Robert Crum, DSI/Artist
- North Carolina Department of Transportation: Pat Ivey, Division Engineer; J.P. Couch, Division Traffic Engineer; Chris Corriher, District Engineer
- City Staff: Dan Mikkelsen, Joe Morris, Wendy Brindle, and Lynn Raker

Mr. Hemann indicated that they received great public input and had over thirty-five (35) citizens and public officials participating. Mr. Hemann reviewed the input and suggestions from the participants, which included:

- Safer pedestrian crossings (shorter and/or mid block)
- Interpret the history (westward movement)
- Expand the focus of the study
- Calm traffic
- Incorporate water feature, seating, kiosk, greenery, statuary, electrical outlets at trees
- Focus on architecture, not decorations or trees; minimize clutter
- Brick walkways, outline of the courthouse that stood in the Square
- Widen sidewalks to serve as a promenade
- Use out-rounded corners
- Alternate routes for truck and through-traffic
- Allow turns
- Don't allow turns

Mr. Hemann noted that the suggestion that everyone had on their mind was "unless traffic flow is managed, the Square will never be more than a pass through, no matter how aesthetic it becomes". Mr. Hemann added that there was a willingness among the participants to look beyond traffic management to do something special with the area.

Mr. Hemann shared the consensus reached among the participants, which was:

- Treat downtown as a destination rather than a throughway
- 3 lanes on Main Street

Mr. Hemann commented that this received strong support from the participants, yet it had not been something the design team had originally considered. He noted that he did not detect that the North Carolina Department of Transportation (NCDOT)

would have a problem with this change. Mr. Dan Mikkelson, Director of Land Management and Development, added that the NCDOT representatives at the public forum did support the idea of converting Main Street to three (3) lanes. Other consensus ideas reached by the group were:

- Accentuate cross-walks
- Mid-block crossings on Main Street
- Do something about the Pedestrian Signals

Mr. Hemann and Mr. Norvell noted that the timing of the cross signals created a hard cross at the Square.

The conclusions that were reached by the Square Charette design team were:

- Left turn from Main Street is practical
- Left turn from Innes Street is not practical
- Roundabout would be wonderful, but requires additional engineering studies

Mr. Hemann stated that there was a lot of support given to the additional study of a roundabout.

For the summer resurfacing the conclusions were:

- Use American with Disabilities Act (ADA) guidelines
- Re-stripe Main Street for three (3) lanes
- Conduct workshops to evaluate mid-block crossings, medians, sidewalks, cross-sections North and South
- Contact the Town of Spencer to determine if they plan to take similar action.

Mr. Hemann stated they were pleased with the outcome of the charette as a first step in the planning process. He added that there was a good deal of additional study needed before it could be determined if the roundabout was a viable option.

Mr. Mikkelson stated that as staff prepared their budget submittal for next year's request they will include a request for engineering studies for the roundabout. He added that there was a lot of interest, as well as skepticism, for the roundabout idea. The consultant's report indicated that the roundabout would function for the twenty (20) year time period. He added that the roundabout requires one lane of traffic for entrance and narrowing east and west bound lanes on Innes Street could create a major problem.

Mr. Mikkelson indicated staff would contact NCDOT to confirm the resurfacing planned for summer 2004. He noted that they would like to receive additional public comment from the North and South ends concerning the type of cross section that will be appropriate for Main Street.

Mr. Mikkelson told Council that representatives from NCDOT indicated that if the community supports the concept of treating the Square as a destination and the change does not create a traffic hazard, then they will support the City's efforts.

It was commented that a roundabout will give traffic the opportunity to make a left turn at the Square from Innes Street onto Main, as well as create the Square as a special place and will aid in the effort of traffic calming.

Mr. Hemann told Council that the plans for resurfacing Main Street could continue while additional study on the aesthetics of the Square continued.

Councilman Kennedy commented that currently the Square does not have any distinction.

PASSENGER RAIL SERVICE - LEGISLATIVE FUNDING

Mr. Joe Morris, Planning and Community Development Manager, stated that the City of Salisbury has been working with other communities along the Western North Carolina rail line to promote the creation of a passenger rail service between Salisbury and Asheville. A joint meeting of the Western North Carolina Rail Committee and the Southeastern North Carolina Rail Committee was held and a consensus was established to work cooperatively to approach the NC General Assembly in an effort to create a statewide passenger rail system.

The group seeks to provide a resolution for endorsement by local communities and other organizations that promote economic development within the state. Mr. Morris worked with NCDOT and Representative Ray Rapp to develop the resolution and noted that the City of Salisbury will be the first community in North Carolina to adopt the resolution if Council should agree.

Mayor Kluttz stated that it is important the City urge the Legislature to fund the project because it not only benefits the whole state, but will be a wonderful benefit to the City of Salisbury.

Councilman Kennedy noted that the passenger rail plan went along with many of the rail closings the City has adopted to get ready for the rail service.

Thereupon, Mr. Kennedy made a **motion** to adopt the resolution in support of a statewide initiative for legislative and funding support for enhanced and improved passenger rail service for the State of North Carolina. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

Mayor Klutz stated she is proud that the City of Salisbury is the first city to pass the resolution.

RESOLUTION IN SUPPORT OF A STATEWIDE INITIATIVE FOR LEGISLATIVE AND FUNDING SUPPORT FOR ENHANCED AND IMPROVED PASSENGER RAIL SERVICE FOR THE STATE OF NORTH CAROLINA.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page Nos. 60-61, and is known as Resolution No. 2003-45.)

SURPLUS COMPUTERS

Mr. Dewey Peck, Purchasing Manager, explained that the City replaces approximately one-third (1/3) of its computer system each year and it has been Council's goal to support the public school system by providing their surplus computers to the school system. He asked Council to adopt a resolution to authorize the disposition of surplus computers to the Rowan-Salisbury School system.

Thereupon, Mr. Paul Woodson made a **motion** to adopt the resolution authorizing the disposition of surplus computers to the school system. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

RESOLUTION AUTHORIZING THE DISPOSITION OF SURPLUS COMPUTERS.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 62, and is known as Resolution No. 2003-46.)

BRIDGE INSPECTIONS

Ms. Wendy Brindle, Traffic Engineer, stated that federal regulations require bridges over public roads be inspected every two (2) years. Ms. Brindle noted that in a memo to Council staff stated that the City is responsible for nine (9) bridges; however, it was determined that three (3) of those bridges are Greenway bridges and do not qualify for federal funding. She indicated that staff will do a visual inspection of those bridges, and if they see anything of concern, a structural engineer will be hired to perform a full inspection.

Six (6) bridges qualify for federal funding, which will reimburse 80% of the inspection cost to the City. One (1) of the bridges is a pedestrian bridge located at Rowan Regional Medical Center and the Medical Center will reimburse the 20% cost the City incurs.

Ms. Brindle asked Council to adopt a resolution authorizing the Mayor and City Clerk to execute an agreement with NCDOT for bridge inspection in the spring of 2004.

Thereupon, Mr. Burgin made a **motion** to adopt the resolution authorizing the Mayor and City Clerk to execute an agreement for the inspections. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONCERNING BRIDGE INSPECTIONS.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 63, and is known as Resolution No. 2003-47.)

COMMENTS FROM CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their September 23, 2003 meeting.

(b) TIP Schedule

City Manager Treme recognized Mr. Dan Mikkelsen for an announcement concerning the Transportation Improvement Planning (TIP) schedule.

Mr. Mikkelsen told Council that NCDOT has scheduled a public hearing for comments on the Transportation Improvement Plan (TIP). He noted that the City has joined a Metropolitan Planning Organization (MPO) and the City's recommendations for the TIP will be submitted through the MPO.

(c) Deed - Community Development Corporation

City Manager Treme requested Council ratify the signing of a deed dated September 24, 2003 for the transfer of property located at 301 North Jackson Street to the Community Development Corporation.

Thereupon, Mr. Woodson made a **motion** to ratify the signing of the deed. Mr. Burgin seconded the motion. Messrs.

Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

(d) Deed of Easement Correction

City Manager Treme informed Council that a sanitary deed of easement located in Boundary Point was recorded in error to the City of Salisbury on August 18, 2003. The deed should have been recorded as a private deed of easement. On October 2, 2003 Mr. Darrell Hancock, Attorney for the developer, submitted an easement deed to correct the mistake and record properly.

Thereupon, Mr. Kennedy made a **motion** to authorize the Mayor and City Clerk to execute a deed of easement to Ronald C. Williams and Rodney W. Queen. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

(d) Deputy City Clerk

City Manager Treme recognized City Clerk Myra Heard for introduction of the new Deputy City Clerk.

Ms. Heard informed Council that Ms. Kelly King has been hired to serve as Deputy City Clerk for the City of Salisbury. She stated that Ms. King will have full authority to perform and exercise the duties of the City Clerk and will fill-in during Ms. Heard's absence.

(e) Sidewalk Issue – Country Club Hills Section 7

City Manager Treme recognized Mr. Vic Bost, attorney and Mr. Victor Wallace, Wallace Realty, who addressed Council regarding a sidewalk issue in the Country Club Hills Section 7 development.

Mr. Bost, speaking on behalf of Wallace Realty, asked Council's consideration for a modification of the standard that requires sidewalks on both sides of the streets in new developments. He noted that Country Club Hills was initially developed in the 1960's and he is addressing Section 7 of this development.

Mr. Bost informed Council that they may grant exceptions to the standard for certain peculiar circumstances and he felt this applied to Section 7. Mr. Bost stated that this was not a new development but part of an old neighborhood.

Mr. Bost noted that when the previous six (6) sections were built there was no indication that the sidewalk requirement would come into existence. He added that if the developers had known they could have made plans for the sidewalks to connect. Wallace Realty proposes constructing one (1) five (5) foot sidewalk. Mr. Bost stated that the neighborhood will interconnect with other existing neighborhoods. He noted that if the modification is granted it will give latitude of choice to homeowners.

Mr. Bost suggested Council give developers with a proven track record the latitude to make development decisions, especially in those neighborhoods that transition from the City to the County.

Mr. Victor Wallace told Council that he had a letter from Patrick Ritchie, Staff Engineer, that indicated staff did not support the request.

Mayor Kluttz asked Council if they would like to ask staff to study or send the request to a Council Committee.

Mayor Pro Tem Woodson recommended a Council Committee to bring the two sides together to work out a solution. Councilman Kennedy also indicated he would serve on the Committee.

Mr. Wallace stated that he had submitted an initial subdivision plan, of which certain parts were denied by the Technical Review Committee. He added that concessions were made by both sides when the issue was discussed at the Planning Board meeting. Mr. Wallace indicated that he was anxious to move forward with the project.

Mayor Pro Tem Woodson stated that when the new requirement was approved several years ago he had received calls from several developers expressing concerns regarding double sidewalks.

Mr. Wallace told Council that a substantial number of the neighboring cities only require one (1) five foot sidewalk; however, several that are in explosive growth areas do require two (2). Mr. Wallace noted that many cities have not gone to this higher and more expensive design level.

By consensus, Mayor Kluttz appointed Mayor Pro Tem Woodson and Councilman Kennedy to serve on a Council Committee to study the issue.

MAYOR'S ANNOUNCEMENTS

(a) Pan American Day

Mayor Kluttz announced that Pan American Day will be celebrated at the Salisbury Civic Center on Saturday, October 11, 2003 from 10:00 a.m. to 2:30 p.m.

(b) Park Avenue Community Center Dedication

Mayor Kluttz announced that the Park Avenue Community Center dedication ceremony will take place Thursday, October 23, 2003, at a time to be decided.

COMMENTS FROM MAYOR PRO TEM WOODSON

Mayor Pro Tem Woodson stated that he had received a request from a trucking company on Ritchie Road for the study of a stoplight on Ritchie Road and Julian Road intersection. He indicated the trucking company's concern regarding gasoline tankers pulling out on this busy road and intersection and asked for staff to study this issue.

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CLOSED SESSION

Mayor Kluttz informed Council that she would entertain a motion for the Council to enter closed session for the purpose of consulting with an attorney as allowed in North Carolina General Statute 143-318.11(3).

Thereupon, Mr. Kennedy made a **motion** to enter closed session for the purpose of consulting with an attorney as allowed in North Carolina General Statute 143-318.11(3). Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

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RETURN TO OPEN SESSION

Mr. Woodson made a **motion** to return to open session. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

Mayor Kluttz announced that no action was taken in closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:17 p.m.

Mayor

City Clerk